

PATENT
Customer No. 22,852
Attorney Docket No. 08364.0019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
David BARTLETT et al.)	Group Art Unit: 2644
)	
Serial No.: 09/856,734)	Examiner: Andrew C. Flanders
)	
Filed: May 25, 2001)	
)	Confirmation No.: 3454
For: ACOUSTIC COMMUNICATION)	
SYSTEM)	

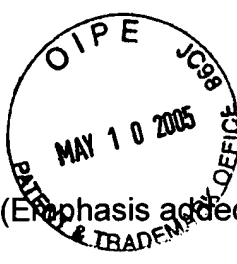
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated March 25, 2005, the Examiner required restriction under 35 U.S.C. § 121 between Group 1, claims 61-69, 108, 109, 114-118 and 146; Group 2, claims 61-63, 70-83, 108, 109, 114-118 and 146; Group 3, claims 61-63, 108-118, and 146; Group 4, claims 61, 84-100, 108, 115, 117, 119-138 and 146; and Group 5, claims 61, 101-108, 115, 117, and 139-146. Applicants provisionally elect to prosecute Group 5, claims 61, 101-108, 115, 117, and 139-146 with traverse.

Applicants respectfully traverse the restriction requirement for at least the reason that it does not comply with the guidelines set forth in PCT Rules 13.1 and 13.2. As PCT Rule 13.2 clearly explains, the requirement for unity of invention among a group of inventions shall be considered as fulfilled if there is "a technical relationship among those inventions involving one or more of the same or corresponding special technical



features.” (Emphasis added.) In other words, the unity of invention requirement will be satisfied if a group of inventions has just one common “special technical feature.”

The restriction requirement should be withdrawn for at least the reason that at least one special technical feature is common to each of the alleged groups of invention (i.e., Groups 1-5) identified by the Examiner. Applicants maintain that the “an encoder with spreading means” is a special technical feature despite the Examiner’s change in position. Thus, according to PCT 13.2, the unity of invention requirement will be fulfilled by a group of inventions all of which include the special technical feature of an encoder with spreading means.

Applicants submit that independent claim 61 includes, among other elements, an encoder having a means for spreading. The Examiner has included independent claim 61 in each of Group 1-5. Thus, by associating claim 61 with each of Groups 1-5, the Examiner has effectively demonstrated that there is a common special technical relationship among the alleged inventions of Groups 1-5. That is, by including claim 61 in each of Groups 1-5, each of Groups 1-5 possesses the common special technical feature of the encoder having a spreading means. Because all of Groups 1-5 possesses at least one common special technical feature, the alleged inventions of Groups 1-5 fulfill the unity of invention requirement of PCT Rule 13.2. Accordingly, the restriction requirement is improper and should be withdrawn.

Please grant any extensions of time required to enter this response and charge
any additional required fees to our deposit account 06-0916.

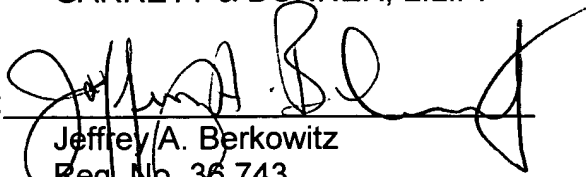


Dated: May 10, 2005

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

By: _____


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